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August B. Landis

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

**AMENDED APPLICATION FOR ORDER APPROVING THE
APPOINTMENT OF CHAPTER 11 TRUSTEE**

August B. Landis, Acting United States Trustee for Region 17, respectfully applies to this Court under 11 U.S.C. §1104(d) and Rule 2007.1 of the Federal Rules of Bankruptcy Procedure for an Order approving the appointment of Allan Diamond as Chapter 11 Trustee in the above-captioned case and in support thereof, states the following:

1. By an order of this Court entered 22 September 2011, the Acting United States Trustee was directed to appoint a Chapter 11 Trustee in this case.

2. Pursuant to Fed. R. Bankr. P. 2007.1(c), the Acting United States Trustee has conferred¹ with the following regarding the appointment of a chapter 11 trustee in this case:

- H. Jason Gold, attorney for Debtor;
- Thomas A. Willoughby, attorney for Committee of Unsecured Creditors;

¹This amended application corrects the record to clarify that a number of creditors were contacted by email regarding the appointment of a trustee in this case and none responded other than the individuals listed.

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- Kelley A. Cornish, attorney for creditor Citibank, N.A.;
- Michael A. Isaacs, attorney for creditor Warner Investments, L.P.; and
- Scott Olson, attorney for creditor Knickerbocker Properties, Inc. XXXIII.

3. Pursuant to the Order directing the appointment of a Chapter 11 Trustee and after consultation with the parties-in-interest, the Acting United States Trustee has selected and appoints Allan Diamond as the Chapter 11 Trustee in this case.

4. This amended application is supported by the *Statement of Disinterestedness of Allan B. Diamond for Appointment as Chapter 11 Trustee* filed 7 October 2011 and the concurrently filed *Supplemental Statement of Disinterestedness of Allan B. Diamond for Appointment as Chapter 11 Trustee* as required by Fed. R. Bankr. P. 2007.1(c). To the best of the Acting United States Trustee's knowledge, Allan Diamond has no connection with the above captioned debtor, the creditors, or any other parties in interest in this case, their respective attorneys or accountants, the United States Trustee or any employee of the Office of the U.S. Trustee, except to the extent set forth in his declaration.

5. The undersigned represents to the Court that Allan Diamond is competent to undertake the responsibilities of a trustee in this matter, and hereby requests that this appointment be approved and that he have all the powers of a trustee under 11 U.S.C. § 1106(a).

WHEREFORE, the Acting United States Trustee requests that the Court enter an order approving the appointment of Allan Diamond as Chapter 11 Trustee.

Dated: 11 October 2011

Respectfully submitted,

August B. Landis
Acting U.S. Trustee

By: /s/ Donna S. Tamanaha
Donna S. Tamanaha
Assistant United States Trustee